IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 4264 OF 1996

Kanva Educational Society
(Registered) .. Petitioners

Versus

The State of Maharashtra
& Anr. .. Respondents

..

None for the Petitioners.

Mr. N.P. Deshpande, AGP. for Respondents.

CORAM : A.P.SHAH & S.U.KAMDAR,JJ.

DATE : 24th September, 2004.

P.C.

. In the present petition, the petitioners are challenging the resolution dated 3.7.1995 issued by the Government of Maharashtra inter alia providing for reservation for the children of displaced citizens from the State of Jammu & Kashmir and for the wards of the officers and staff who have participated in combat activities for terrorism in

the State. By the said resolution percentage of seats are reserved for the admission for the graduate as well as post-graduate courses in the different universities including the Universities covered by the Maharashtra Universities (Krishi Vidyapeeth) Act, 1983.

2. The said resolution is challenged inter alia on the ground that the children of those citizens who have not migrated from the State of Jammu and Kashmir and have suffered the terrorist activities ought to be included within the reservation provided by the said resolution and/or a further reservation should be created in their favour. In nutshell, the petitioners are thus seeking an expansion of a class by inclusion of the petitioners who are not migrated from the State of Jammu & Kashmir to be being treated as eligible for the purpose of admission in the graduate and post-graduate courses under the reserved category for the children of the displaced citizens from the State of Jammu & Kashmir.

3. We are not inclined to accept the plea raised in the present petition because in our view both, the children of the displaced citizens from the State of Jammu & Kashmir due to terrorist activities and the children of the persons who have though suffered the terrorist activities but not displaced from the State form two separate and

distinct classes and, therefore, the resolution passed by the Government do not suffer from any vices of class legislation and/or wrongful classification. In our view, the object of providing reservation for the children of the migrated citizens has a direct and close nexus with the object sought to be achieved of accommodating them into the educational institutions outside the State by providing reservation for admission in higher studies in colleges and universities and thus in our view the said classification being legal and valid, the challenge in the present petition must fail.

4. In light of the aforesaid circumstances, we dismiss the writ petition. However, there shall be no order as to costs.

(A. P. SHAH, J.)

(S.U. KAMDAR, J.)